UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,153	04/09/2004	Gregory A. Piccionelli	39003.813US01	1182

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EXAMINER
JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
2134	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/822,153	PICCIONELLI ET AL.
	Examiner	Art Unit	
	David Y. Jung	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-20 are presented.

PRIOR ART

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

http://www.doomsdaycurve.com/gapbio.html

This reference mentions Gregory Piccionelli (same name as the first named inventor of this patent application). Mr. Piccionelli is stated as being, among others, a patent attorney and a pioneering attorney for adult entertainment. He is stated as one of the founders of SexBiz Legal Seminar.

http://www.nysscpa.org/cpajournal/2003/0303/soon.htm dates

http://www.nysscpa.org/cpajournal/2003/0303/features/f032403.htm as being from March, 2003. This shows that 2006 copyright applies only to the non-article aspects such as the layout of the article; the content and the substance date from March, 2003.

CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zdnet (http://news.zdnet.co.uk/hardware/0,1000000091,2123448,00.htm) and Cpa

http://www.nysscpa.org/cpajournal/2003/0303/features/f032403.htm.

Regarding claim 1, Zdnet teaches "A computer comprising

a) a processor, b) [ ] for determining the location of the computer,

and c) control means for controlling the operation of the processor, the control

means being in [ ] and controlling the operation of the processor in response to location

information provided to the control means by [ ] (the next to last paragraph, discussion

on remotely erasing data which is a controlling and handling location such as the

remote location)."

These passages of Zdnet do not teach "position determining means and

"communication with "the position determining means" in the sense of the claim.

Cpa teaches "position determining means and communication with the position

determining means (Section Security Procedures, such as the GPS discussion at the

fourth paragraph)" for the motivation of security.

Hence, it would have been obvious to those of ordinary skill in the art at the time

of the claimed invention to modify Windows for the motivation noted in the previous

paragraphs so as to teach the claimed invention.

2. The computer of claim 1 wherein the position determining means compprise a GPS

locator.

See Cpa, Section Security Procedure.

3. The computer of claim I wherein the position determining means comprise an

accelerometer.

--Cpa, Section Security Procedures, such as the GPS discussion at the fourth

paragraph.

4. The computer of claim I wherein the control means prevents operation of the

processor in response to location information provided by the position determining

means that indicates that the location of the computer is outside of a preselected area.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a

controlling and handling location such as the remote location.

5. The computer of claim 1 further comprising a hard drive in communication with the

processor.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a

controlling and handling location such as the remote location. A hard drive must exist in

order for data to exist (otherwise, no data to erase).

6. The computer of claim 5 wherein the control means instructs the processor to prevent

operation of the hard drive in response to location information provided by the position

determining means that indicates that the location of the computer is outside of a preselected area.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location. A hard drive must exist in order for data to exist (otherwise, no data to erase).

7. The computer of claim 5 wherein the control means instructs the processor to at least partially erase the hard drive in response to location information provided by the position determining means that indicates that the location of the computer is outside of a preselected area.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a controlling and handling location such as the remote location. A hard drive must exist in order for data to exist (otherwise, no data to erase).

Claims 8-9: such alarms are well known in the art for the motivation of security.

Claims 10-14: such authentication and identification are well known in the art for the motivation of security.

15. The computer of claim 11 further comprising a hard drive in communication with the processor.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a

controlling and handling location such as the remote location. A hard drive must exist in

order for data to exist (otherwise, no data to erase).

16. The computer of claim 15 wherein the control means instructs the processor

to prevent operation of the hard drive upon failure of the identification means to identify

the user as an authorized user.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a

controlling and handling location such as the remote location. A hard drive must exist in

order for data to exist (otherwise, no data to erase).

17. The computer of claim 15 wherein the control means instructs the processor

to at least partially erase the hard drive upon failure of the identification means to

identify

the user as an authorized user.

--Zdnet, the next to last paragraph, discussion on remotely erasing data which is a

controlling and handling location such as the remote location. A hard drive must exist in

order for data to exist (otherwise, no data to erase).

Claims 18-19: such alarms are well known in the art for the motivation of security.

20. The computer of claim 1 which is a portable computer.

See Cpa, the first paragraph, which discusses laptops.

Conclusion

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or

"DRAFT")

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Jung whose telephone number is (571) 272-3836

or Kambiz Zand whose telephone number is (272) 272-3811.

David Jung

Patent Examiner

8/17/07